

ACLU v. DOJ, 13 Civ. 7347 (S.D.N.Y.)
Documents Withheld in Full by Executive Office for U.S. Attorneys, August 2015

Doc. No.	Date	From/To	Pages	Subject/Description	Exemption/Privilege
1	March 30, 2015	AUSA from USAVT to USAEO, AGAC-Cyber	1	Internal email comments on draft FISA-Derived memorandum, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
2	April 8, 2015	AUSA Chief, National Security to USACAC Acting USA and First AUSA	4	Memo analyzing draft FISA "Derived" memorandum, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
3.	Undated	Unknown	4	Memo (no letterhead, no to/from fields) titled "White Paper: The Meaning of FISA Derived" which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
4.	July 17, 2013	TNSS, AGAC to ODAG; Office of the Solicitor General to unspecified	14	Scanned version of documents 1 and 4 from Feb. 2014 index of withheld documents, with draft notice pleading attached	(b)(5): deliberative process privilege; work product
5.	Undated	Unknown	3	Segment of analysis memo (no letterhead, no to/from fields) addressing potential counterarguments to draft internal memorandum addressing FISA, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
6.	April 10, 2015	AUSA, USACAC to AUSA, USACAC, forwarded to AUSA, USACT	2	Email analysis and comment addressing draft internal FISA-Derived memorandum, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
7.	January 23, 2015	USA of USACAE to various USAs and others	2	Email analysis and comments addressing draft internal memorandum on "Process Guidance for USAOs on Handling FISA", which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
8.	January 23, 2015	U.S. Air Force Lt. Colonel to USA of USACAE and AUSAs	2	Email analysis and comments addressing draft internal FISA-Derived memorandum, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
9.	January 22, 2015	AUSA, USACAE to USA of USACAE and various AUSAs, USACAE	1	Email analysis and comments addressing internal draft memorandum "Process Guidance for USAOs on Handling FISA", which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product

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10.	January 26, 2015	USA of USANYW to various USAs	1	Email analysis and comments addressing draft internal draft memorandum, "Process Guidance for USAOs on Handling FISA", which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
11.	July 16, 2010	USA of USAVAE to various USAs	3	Email analysis and comments addressing draft internal FISA-Derived memorandum, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
12.	July 31, 2013	AUSA, USADC to various AUSAs, USADC	4	Email discussion of recent conference call about how to handle FISA-Derived issues and an analysis and comments addressing draft internal FISA-Derived memorandum, and memoranda on compound FISA issues, and on notice in FISA cases, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
13.	April 11, 2014	AUSA, USADC to various AUSAs, USADC	1	Email analysis and comments addressing draft internal FISA-Derived memorandum, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
14.	Undated	Unknown	10	Memo (no letterhead, no to/from fields) titled "U.S. Attorneys' Comments on Draft 'FISA Derived' Guidance," which was prepared in anticipated of litigation; draft memorandum dated March 2015 is attached.	(b)(5): deliberative process privilege; work product
15.	Undated	Unknown	3	Draft memo (no letterhead, no to/from fields) titled "Process Guidance for USAOs on handling FISA-Derived Issues," which was prepared in anticipated of litigation	(b)(5): deliberative process privilege; work product
16.	June 29, 2012	USA of USAVAE to various USAs	1	Email analysis and comments addressing draft internal FISA-Derived memorandum, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
17.	Undated	Unknown	4	Segment of memo (no letterhead, no to/from fields) titled "U.S. Attorneys' Comments on Draft 'FISA Derived' Guidance," which is was prepared in anticipated of litigation	(b)(5): deliberative process privilege; work product
18.	February 2015	Unknown	38	Draft Memorandum to All Federal Prosecutors, 'Determining Whether Evidence Is "Derived From" Surveillance Under Title III Or FISA', which was prepared in anticipation of litigation Date and From fields left blank; no letterhead.	(b)(5): deliberative process privilege; work product

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19.	January 23, 2015	USA of USAOR to various USAs	2	Email analysis and comments addressing draft internal memorandum, "Process Guidance for USAOs on Handling FISA", which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
20.	January 26, 2015	USA of USANYW to various USAs	1	Email analysis and comments addressing draft internal memorandum, "Process Guidance for USAOs on Handling FISA", which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
21.	Undated	Unknown	4	Memo entitled "FISA Derived" (no letterhead, no to/from fields) containing analysis and comments addressing draft memorandum of "FISA-Derived Guidance:", which was created in anticipation of litigation	(b)(5): deliberative process privilege; work product
22.	Undated	Unknown	4	Memo entitled "FISA Derived" (no letterhead, no to/from fields) containing analysis and comments addressing draft memorandum of "FISA-Derived Guidance:", which was created in anticipation of litigation	(b)(5): deliberative process privilege; work product
23.	Undated	Unknown	4	Memo (no letterhead, no to/from fields) titled "White Paper: The Meaning of FISA Derived" which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
24.	June 29, 2012	USA of USAVAE to various USAs	2	Email analysis and comments addressing and attaching drafts of "FISA-Derived Guidance" memos, which were created in anticipation of litigation	(b)(5): deliberative process privilege; work product
25.	Undated	Unknown	4	Memo (no letterhead, no to/from fields) titled "Considerations for Input on NSD FISA-Derived Memorandum," which was created in anticipation of litigation	(b)(5): deliberative process privilege; work product
26.	July 16, 2010	USA of USAVAE to various USAs	2	Email Internal comments on draft FISA-Derived memorandum, which was prepared in anticipation of litigation; draft memorandum and FISA derived White Paper are attached.	(b)(5): deliberative process privilege; work product
27.	Undated	Attorney General to Federal Prosecutors	2	Draft memorandum (no letterhead) titled "Policy on the Use or Disclosure of FAA Information" which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
28.	Undated	Attorney General to Federal Prosecutors	4	Draft memorandum (no letterhead) titled "Guidance Regarding Whether Information Is Derived from FISA," which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product

29.	Dec. 3, 2010	Deputy Assistant Attorney General to USAs	15	Email attaching draft memorandum of "FISA-Derived Guidance" from Attorney General to all Prosecutors and supporting draft memorandum, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
30.	July 21, 2015	AUSA to USA, ILN	10	Memo titled "FISA and FAA Primer/Issues," discussing FISA issues, including in specific cases, prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
31.	July 16, 2013	Criminal Division to ODAG and other DOJ components	2	Email comments and analysis regarding FISA-derived issues, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
32.	July 13, 2013	Criminal Division to the Office of the Attorney General and other DOJ components	2	Email comments and analysis regarding FISA-derived issues, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
33.	March 24, 2014	ODAG to USAs	30	Email attaching and discussing draft memorandum (no letterhead, from and date fields blank) titled "Determining Whether Evidence Is 'Derived From' Surveillance Under Title III or FISA," which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
34.	July 17, 2013	TNSS, AGAC to ODAG	14	Email attaching two copies of document #4 from Feb. 2014 index of withheld documents	(b)(5): deliberative process privilege; work product
35.	July 16, 2013	USAE0 to Various USAs forwarding Email from ODAG to the Office of Solicitor General and other components	7	Email requesting review of document #1 from Feb. 2014 index of withheld documents	(b)(5): deliberative process privilege; work product
36.	December __, 2013	AUSA NYE to AUSAs NYE	17	Draft memorandum (date marked "December __, 2013") regarding use of FISA information, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
37.	July 16, 2013	USA WAW to Various USAs	5	Email analysis and comment regarding FISA-Derived issues, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product

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38.	March 25, 2015	AUSA NJ to AUSA NJ	3	Email comments on draft memorandum of "FISA-Derived Guidance":, attached, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
39.	July 16, 2013	USA NJ to Various AUSAs	1	Email requesting review of document #1 from Feb. 2014 index of withheld documents	(b)(5): deliberative process privilege; work product
40.	July 16, 2013	USA NJ to Various AUSAs NJ	4	Email forwarding request for comments on three draft memos, attached, concerning FISA-derived issues, which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
41.	March 25, 2014	USA NJ to Various AUSAs	2	Email requesting comments on draft memorandum, attached, of "FISA-Derived Guidance," which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
42.	January 31, 2015	USA NJ to Various AUSAs	6	Email comments on draft memorandum (file name, "Process Guidance for USAOs") which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
43.	January 31, 2015	USA NJ to Various USAs	3	Email comments on draft memorandum (file name, "Process Guidance for USAOs") which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
44.	January 31, 2015	USA NJ to Various USAs	2	Email comments on attached draft memorandum (file name, "Process Guidance for USAOs") which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product
45.	March 25, 2014	AUSA NJ to USA NJ	2	Email comments on draft memorandum of "FISA-Derived Guidance," which was prepared in anticipation of litigation	(b)(5): deliberative process privilege; work product

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VAUGHN INDEX

Glossary

AGAC– Attorney General Advisory Committee

AUSA – Assistant United States Attorney

CYBER – Cyber/Intellectual Property Subcommittee

ODAG – Office of Deputy Attorney General

TNSS – Terrorism and National Security Subcommittee

USA – United States Attorney

USA plus letters for districts indicate U.S. Attorneys' Offices (e.g., USACAE = United States Attorney's Office for the Eastern District of California, VT (Vermont), OR (Oregon), USAEO (Executive Office), etc.)

